

GOVERNMENT OF TELANGANA
ABSTRACT

Agriculture and Cooperation Department - CMF Service - Assigning the pay scales to the Assistant Engineers working in Agricultural Marketing Department under CMF Service on par with the other Assistant Engineers working in Panchayat Raj, Irrigation and Roads & Buildings Departments in pursuance of Hon'ble APAT Judgment in OA No.4811/2010, dated 05-09-2013 - Orders – Issued.

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AGRICULTURE AND CO-OPERATION (MKTG-II) DEPARTMENT

G.O.MS.No. 64

Dated: 24-06-2016,
Read the following:-

- 1) The Commissioner & Director of Marketing, A.P, Hyderabad. Letter No.Estt.CMF 3093/2008, dated 26-11-2008.
- 2) Govt.Memo.No.14051/AM.II(1)/2008, A & C (AM.II) Dept.,dated 23-04-2010.
- 3) Hon'ble A.P.A.T Judgement, dated 05-09-2013 in O.A.No.4811/2010 filed by Sri D.Rvi Durga Prasad, AE (AM) and others.
- 4) Govt. Memo.No.10271/AM.II(1)/2013, Agri. & Coop. (Mktg-I) Dept., dated 12-3-2014.
- 5) Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, Judgement dated 19-11-2014 in W.P.No.30164/2014 filed by the DoAM,A.P, Hyderabad.
- 6) The Director of Agricultural Marketing, Telangana State, Hyderabad Lr.No. Engg./Estt./285/2015, Dt: 26.03.2015.

ORDER:-

Based on the representation, dated 22-10-2008 of certain Assistant Engineers under Central Market Fund Service (CMF Service) in Agricultural Marketing Department, the Commissioner & Director of Agricultural Marketing, Andhra Pradesh, Hyderabad has submitted proposals to Government in the reference first read above to allow then pay scales of Assistant Engineers in Central Market Fund Service on par with other Government Department's Assistant Engineers like Roads & Buildings, Panchayat Raj and Irrigation Departments at Rs.8815-20300 (RPS, 2005) instead of Rs.7770-18575 (RPS, 2005). After examining the proposal, Government have examined the matter and informed that, the pay scales recommended by the 9th PRC were accepted by the Government and orders have been already issued vide G.O.Ms.No.52, Finance (PC.I) Department, dated 25-02-2010 and informed the Director of Agricultural Marketing, Telangana State, Hyderabad that the request of Assistant Engineers cannot be reviewed at this stage, vide reference second read above.

2. Aggrieved by the above orders issued by the Government, the applicants have filed an O.A No.4811/2010 in the Hon'ble Andhra Pradesh Administrative Tribunal with a request to direct the respondents to fix the Pay Scales of applicants at Rs.8,815 - 20,300 (PRC, 2005) and Rs.15,280 - 40,510 (PRC, 2010) with arrears with interest at the rate of 14% per annum with all attendant benefits and to pass such other order or orders.

3. The Hon'ble Andhra Pradesh Administrative Tribunal in its judgment in O.A No.4811/2010, dated 05-09-2013 observed that, as the qualification for recruitment to the post of Assistant Engineers working in Central Market Fund Service and the qualification for recruitment to the post of Assistant Engineers working in Agricultural Marketing Department and Agricultural Marketing Committee Service in the same Marketing Department being the same and also to that of the Assistant Engineers in Roads & Buildings, Panchayat Raj and Irrigation Departments, the respondents cannot discriminate and reduce the pay scales of Assistant Engineers of CMF Service from RPC, 2005 having and violation of Article 14 of the Constitution of India. When the nature of works of Assistant Engineers in CMF Service itself is same and the qualification is also same, the applicants are entitled to get the same pay scales as that of the Assistant Engineers working in other Government Departments like Roads & Buildings, Panchayat Raj, Irrigation Departments and Tribal Welfare Departments.

(P.T.O.)

4. Even the Director of Agricultural Marketing, Telangana State, Hyderabad has recommended the Government to revise the Pay Scales of Assistant Engineers working in CMF Service stating that a mistake occurred in PRC, 2005. In these circumstances, the applicants are entitle for the same pay scales as that of Assistant Engineers working in Marketing Department and also on par with Assistant Engineers working in Roads & Buildings, Irrigation Departments and Tribal Welfare Departments.
5. The Hon'ble APAT have therefore directed the 1st and 3rd respondents (i.e. The APC & Secretary to Govt., Agriculture & Cooperation Department and the Principal Secretary, Finance (PRC) Department) to pass appropriate orders revising the pay scales of the applicants on par with Assistant Engineers working in the same Department of Marketing and other Government Departments like Panchayat Raj, Irrigation and Roads & Buildings.
6. The Government of Andhra Pradesh have appealed against the Judgement, dated 05-09-2013 of Hon'ble APAT in OA No.4811/2010 in Hon'ble High Court of Andhra Pradesh in W.P.No.30164/2014 which was dismissed in its orders, dated 19.11.2014.
7. The Government of Telangana has filed S.L.P. (Civil) C.C.No.5832 of 2016 before the Hon'ble Supreme Court of India against the orders dt:05.09.2013 of A.P.A.T. in O.A.No.4811/2010 and the orders of Hon'ble High Court of Judicature at Hyderabad in W.P.No.30164/2014, Dt.19.11.2014 and its Judgement is awaited.
8. The Government after careful consideration of the matter, have decided to implement the Judgment of Hon'ble APAT in O.A No.4811/2010, dt:05-09-2013 and direct the Director of Agricultural Marketing, Telangana State, Hyderabad to fix the pay scales of Assistant Engineers under Central Market Fund Service working in the Agricultural Marketing Department in Revised Pay Scales, 2005 & 2010 on par with Assistant Engineers working in the same Department of Marketing and other Government Departments like Panchayat Raj, Irrigation and Roads & Buildings subject to outcome of S.L.P. pending before the Hon'ble Supreme Court of India. The Government have right to recover any arrears paid to the individuals shall recover in lumpsum without any notice subject to outcome of S.L.P. pending before the Supreme Court of India.
9. This order issues with the concurrence of Finance (HRM.IV) Department, vide their U.O.No.4554-A/89/A1/HRM.IV/2016, dated:06-04-2016.
10. The Director of Agricultural Marketing, Telangana State, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE OF THE GOVERNOR OF TELANGANA)

C.PARTHA SARATHI,
APC & SECRETARY TO GOVERNMENT.

To

The Director of Agricultural Marketing, Telangana State, Hyderabad

The Individuals through Director of Agril. Marketing, Telangana State, Hyderabad.

The Pay and Accounts Officer, Telagana State, Hyderabad.

Copy to:

The Finance (HRM.IV) Department.

The P.S. to Additional Secretary to C.M.

The P.S. to APC & Secretary to Government, A&C Department.

The P.S. to Minister (Irrigation, Marketing and L.A.)

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER